



Offerors' Conference Minutes July 12, 2012

Opening

The Offerors' Conference for the United States Probation Office for the Eastern District of New York was called to order at 11:20 a.m. on July 12, 2012, in the 16th floor conference room of the United States Probation Office located at 147 Pierrepont Street, in Brooklyn, New York, by Senior U.S. Probation Officer Edward J. Kanaley.

Persons Present

Guillermo Figueroa, Assistant Deputy Chief U.S. Probation Officer
Helen Georgopoulos, Assistant Deputy Chief U.S. Probation Officer
Nella H. Yelenovic, Supervising U.S. Probation Officer
Lawrence M. Cavagnetto, Supervising U.S. Probation Officer
Lawrence Andres, Supervising U.S. Probation Officer
Gregory Carter, Senior U.S. Probation Officer
Margaret Foley, Senior U.S. Probation Officer
Jeffrey D. Houser, Budget and Contracts Analyst/Contracting Officer
Steve Hunt, *representing* The Alpha School
Anand Seemangal, *representing* The Alpha School
Howard Field, *representing* AREBA Casriel Inc (ACI)
Kathleen Higgins, *representing* AREBA Casriel Inc (ACI)
Mahtab Zinati, *representing* AREBA Casriel Inc (ACI)
Warren Zysman, *representing* AREBA Casriel Inc (ACI)
Dr. Paris Gandy, *representing* Bleuler Chemical Dependency
Joan Salmon, *representing* Brooklyn AIDS Task Force
Kerri Kopelowitz, *representing* Brooklyn Center for Psychotherapy/New Directions
Mark Salomon, , *representing* Brooklyn Center for Psychotherapy/New Directions
Ewa Loskot, *representing* Center for Addiction and Recovery (CARE)
Fran Valentino, *representing* Center for Addiction and Recovery (CARE)
Michelle Nelson, *representing* Counseling Service of EDNY (CSEDNY)
Angela Attanasio, *representing* Daytop Village, Inc.
Danielle Freeman, *representing* Daytop Village, Inc.
Jenna Miller, *representing* Daytop Village, Inc.
Alan J. Diaz, *representing* Daytop Village, Inc.
Lianna Lee, *representing* Elmcot



Janice Teague, *representing* Elmcor
Gwendolyn Dixon, *representing* FECS
Emily Kingman, *representing* FECS
Dr. Theresa DeSantis, *representing* First Light Psychological Services
Robert Salzano, *representing* First Light Psychological Services
Eric D'Entrone, *representing* Liberty Behavioral Management
Dr. Richard Brown, *representing* Lutheran Family Health Center
Dr. Jennifer McCarthy, *representing* New York Forensic
Maria Mendez, *representing* The PAC Program of Brooklyn/Queens
Daniel Preston, *representing* Samaritan Village

A. Welcome and Introductions

Edward Kanaley, Senior U.S. Probation Officer, opened the conference and introduced the U.S. Probation Office staff who were in attendance. All persons present were informed that the conference was being recorded and that minutes from the conference would be made available at www.nyep.uscourts.gov. All vendors were encouraged to utilize this public website to access the RFPs and to obtain additional information about the bidding process throughout the solicitation cycle.

B. Review and Explanation of Catchment Areas

The confines of the Eastern District of New York were identified as Kings, Queens, Richmond, Nassau and Suffolk Counties. Each of the 20 catchment areas for which treatment services are currently being solicited were identified, and the various treatment services were also specified and explained as they relate to the catchment areas. Vendors were shown how to access the RFP for each catchment area via the Internet utilizing the www.nyep.uscourts.gov web site.

The design of catchment areas was explained. Specifically, vendors were advised that the design of catchment areas takes into consideration factors including, but not limited to, the needs of the Probation Office, the needs of the clients served by the Probation Office, client population densities, the proximity of treatment facilities to public transportation and client populations, similarity of treatment services being solicited, and contract administration concerns.

Vendors were advised that in order to be deemed technically acceptable, it is necessary for the vendor have a treatment facility located within the catchment



area identified within Section B of the RFP to which the vendor is responding. Furthermore, it is necessary that the vendor be able to provide all of the required services identified in Section B of the RFP, at the treatment facility located within the catchment area.

C. Explanation of the Nature of Blank Purchase Agreements

The Blank Purchase Agreement (BPA) is a one-year agreement, with two option years. At the end of the first year, the Probation Office may elect to renew the BPA for a second year, and at the end of the second year, the Probation Office may elect to renew the BPA for a third year. The BPA is an agreement, not a contract. Simply stated, a BPA is an agreement between the Probation Office and a vendor awarded a BPA, whereby the Probation Office agrees to utilize a vendor awarded a BPA within a specified catchment area for the purpose of obtaining specified services, and the vendor agrees to provide the specified services to the clients referred by the Probation Office at specified prices.

D. Overview of a Request for Proposal (RFP) and Requirements for Completing an RFP

Attention was drawn to Box No. 6 in Section A of the RFP, which sets forth the date and time by which completed RFPs must be received by the Probation Office in order to be considered for award. For the present solicitations, all completed RFPs must be received by the Probation Office at 147 Pierrepont Street, Brooklyn, New York 11201, no later than 3:00 p.m. local time on Thursday, August 16, 2012.

Submissions should include one original signed, completed RFP, and two signed copies.

Vendors were advised that the prompt payment provisions outlined in Section A of the RFP do not apply to this solicitation. The Probation Office will pay the prices agreed upon in Section B of any awarded BPAs.

The catchment area for each RFP is set forth in the first paragraph of Section B. Section B also reflects the minimum and maximum number of BPAs that will be awarded in a particular catchment area.

Section B of the RFP sets forth the services that a vendor is required to provide



within the specified catchment area in order to be deemed technically acceptable. Section B also sets forth the Probation Office's best estimates concerning its need for services for Fiscal Years 2013, 2014, and 2015, in the form of "Estimated Monthly Quantities (EMQs)". These EMQs were developed by reviewing the average monthly units of service procured during the past three years and factoring in treatment trends and budget limitations. Vendors should complete Section B of the RFP by providing a bid for each of the specified project codes, for each of the fiscal years covered by the RFP. Vendors were reminded that bids should be priced per unit, and that for certain project codes, one unit is equal to 30 minutes. Vendors were also informed that for project codes that list the EMQ as "Unknown," it is not necessary to provide a bid. These project codes will be paid at actual cost or in the case of administrative fees, at a percentage of the actual cost of the service provided, not-to-exceed 5%.

Prices established in the BPA cannot be changed in subsequent years. Accordingly, bidders should take into consideration any anticipated increases in treatment or overhead costs when setting bid prices for each project code, for each of the three fiscal years covered by the RFP.

The EMQs set forth in Section B of the RFP are merely the Probation Office's best estimate of its anticipated service needs. These EMQs are not guarantees and should not be construed by bidders as such. The Probation Office's actual service needs may be lower than or exceed the stated EMQs.

Regarding Project Code 1501, vendors were reminded that this project code applies only to co-payments ordered by the Probation Office and collected on behalf of the Probation Office. Vendors may not assess an administrative fee for co-payments collected on behalf of insurance companies.

Section C sets forth the requirements for completing the services being solicited in Section B of the RFP.

Concerning Project Code 1010, vendors were asked to carefully read Section C of the RFP. This service requires vendors to collect urine and report urinalysis results to the Probation Office. The actual testing of the urine will be conducted by a national lab specified by the Probation Office, and the costs of testing will be paid by the Probation Office through a national contract. Any vendor awarded a BPA requiring urine collection and testing will be provided with urine collection supplies, chain-of-custody forms, shipping materials to be used to send the urine



specimens to the national lab or to the Probation Office (if in-house screening is implemented), and instruction from the Probation Office on proper urine collection and handling procedures. The issue of observed/unobserved urinalysis collection was also discussed. Vendors were advised that while the Statement of Work allows for unobserved urine collection, we noted that unobserved collections should be the exception rather than the norm at any agency servicing our clientele. We noted that unobserved collections require specific conditions in order to be in compliance with the Statement of Work, and should only be utilized when same sex staff personnel are not available to observe the collection process.

Vendors should familiarize themselves with, and be cognizant of, the “No Test” Policy provisions set forth in Section C of the RFP. If the national lab report indicates that a urine specimen collected by a vendor could not be tested due to reasons such as improper handling procedures (e.g., chain of custody forms not properly completed or tamper seals broken) or because an insufficient quantity of urine was collected, the vendor may NOT bill the Probation Office for the collection and reporting of that specimen.

Because of New York State licensing requirements, vendors may be required to perform tasks in connection with services such as client intakes, which go beyond what is required in Section C of the RFP. Vendors may not charge a separate fee for these tasks. Instead, vendors should take these tasks into consideration when establishing their bids for these services, and set bid prices accordingly.

Vendors were also cautioned to ensure that they are mindful to slight differences contained in the RFP’s for the different treatment modalities. For example, in regard to the minor differences required Group sizes between Substance Abuse and Mental Health treatment. Vendors were encouraged to carefully review the Statement of Work for each RFP and not assume that certain aspects of each RFP are the same.

Section D of the RFP does not apply to the current solicitations.

Section E of the RFP sets forth mandatory clauses required by the Administrative Office of the U.S. Courts.

With regard to Section F of the RFP, attention was drawn to the provisions addressing vendor availability. Any vendor award a BPA is expected to be able to accommodate the treatment needs of the Probation Office. In addition, vendors



may not unilaterally refuse services to any defendant or offender referred by the Probation Office, except where the defendant or offender poses an apparent danger to the vendor's staff or other defendants/offenders. The vendor shall not refuse service without approval of the Probation Office. Vendors were reminded that the Probation Office's client population consists of convicted federal offenders with varied criminal histories. Vendors must be prepared to accept clients who may be "white-collar," first-time offenders, as well as offenders who have extensive criminal histories, including past violent and/or sex offenses. Vendors were further cautioned about including any restrictive language in their proposals indicating that they would accept some types of offenders/defendants (e.g., Level 1 Sex Offenders), but not accept others (e.g., Level 2 and 3 Sex Offenders), as this would automatically make their proposal technically unacceptable.

Section G sets forth requirements for vendor invoicing (Budget & Contract Analyst, Jeffrey Houser addressed this portion of the day's conference). A form that may be utilized for invoicing is provided in Section J of the RFP. The vendor invoice was discussed and the differences in Sections A and B of the invoice were noted. Vendors were advised of the requirement that invoices be submitted by no later than the 10th day of the month following the month in which services were rendered. In addition, the importance of including the PACTS # and correct client name on all documents submitted to the Probation Office was noted.

Vendors should familiarize themselves with the "No Show" Policy set forth in Section G and take this policy into consideration when establishing bid prices.

The Probation Office may conduct post-award meetings with vendors to review billing procedures. Vendors should be sure that bills properly reflect charges in units. When projects codes call for billing in 30 minute units, vendors must bill in fractional units when services less than 30 minutes are rendered.

The Probation Office will specify on the Probation Form 45 when a co-payment is to be collected from an offender on behalf of the Probation Office. The Probation Office may also indicate on the Form 45 that an offender has Medicaid or private insurance. Vendors are required to bill Medicaid or private insurance companies (as applicable), before billing the Probation Office. Vendors may not bill the Probation Office if they have already been paid by another source, or if an invoice has been submitted and is pending with Medicaid, a private insurance company, or another source. If an insurance company or Medicaid ultimately denies payment, the Probation Office will pay the vendor for any authorized services that were



performed.

Section H of the RFP addresses limitations on liability and should be reviewed by the vendor.

Section I, in part, addresses the use of sub-contractors. Vendors were reminded that sub-contractors who are utilized to provide services required under an awarded BPA must be approved by the Probation Office. The means by which sub-contractors will be utilized by a vendor to provide required services should be fully set forth in the statements that vendors are required to prepare and attach to any proposals submitted in response to the RFP.

Section J of the RFP contains samples of forms that may be utilized in connection with services provided under an awarded BPA. The Probation Form 45 included in Section J is merely a representative sample of the form. The actual Form 45 utilized by the Probation is generated electronically and will have a different appearance. The Probation Form 45 will sometimes be referred to as a program plan, P45, Prob 45 or Form 45. These terms are used interchangeably. Vendors should be sure to have a completed, signed Form 45 in their possession before rendering services to a client.

The services reflected on the Probation Form 45 are the only services that a vendor is authorized to provide to a client. If a vendor believes that a client needs services beyond those authorized on the Form 45, the vendor must contact the Probation Office and obtain an amended Form 45 authorizing the additional services.

An amended Form 45 must be prepared whenever any aspect of a client's treatment changes, including changes in required co-payments.

The Probation Form 46 included in Section J of the RFP is available in electronic form and will be provided to any vendor awarded a BPA, upon request. Vendors were advised that this form is the main record of the client's compliance with the treatment plan and assists the assigned officer in monitoring the client's overall compliance with the Court's mandate to participate in treatment.

Vendors must maintain a signed release form (Probation Form 11B or 11I) in each client's treatment file.

Vendors were shown the Daily Treatment Log and the importance of that



document in regard to invoicing and accountability was highlighted. Vendors were advised that this document must be submitted with monthly invoices and should be completed contemporaneously with the actual treatment sessions. Vendors were cautioned about having the client sign-in/sign-out for multiple sessions at a time in advance of services actually being rendered as this can lead to mistakes and improper billing practices. This documents usefulness in tracking client copayments was also pointed out. Lastly, it was made clear to vendors that this form is to be offender specific, in that each client should have their own Daily Treatment Log completed for each month so as to avoid unnecessary disclosure of personal information to other program participants.

The Urinalysis Testing Log was reviewed with the vendors and its purpose was briefly discussed.

Attachment J.10 in Section J of the RFP appears in the substance abuse treatment service contracts and sets forth the applicable minimum wage for lab technicians. This is required pursuant to the Services Contract Act.

Section K of the RFP must be completed by bidders and submitted to the Probation Office, together with Sections A and B.

Section L of the RFP provides instruction on how to complete the RFP.

E. Explanation of the Review Process

The period for submitting proposals in response to the RFPs closes on Thursday, August 16, 2009, at 3:00 p.m. We will then begin evaluating the proposals to determine whether or not each proposal is technically acceptable using the criteria and form set forth in Section M of the RFP. Vendors who submit proposals that are deemed technically unacceptable will be notified in writing. Those proposals that are deemed technically acceptable will be rank-ordered within each catchment area based upon cost over the life of the BPA. We will then begin conducting pre-award site visits to facilities within each catchment area, beginning with the facility that submitted the lowest cost bid. If a facility is deemed acceptable after the pre-award site visit, it will be awarded a BPA. If a facility is deemed unacceptable after the site visit, then a site visit will be conducted to the next-lowest cost facility. This process will be repeated for each catchment area, until the desired number of BPAs has been awarded within the minimum and maximums set forth in Section B of the RFP for each catchment area.



F. Explanation of Post-Award Administration Procedures

Vendors who are awarded BPAs will be subjected to post-award monitoring report visits. The first visit must be conducted within the first 120 days after the award of the BPA. A second site visit must be conducted before the BPA is renewed. If the BPA is renewed, at least one site visit will be conducted during each of the subsequent renewal years.

If any problems are identified during the post-award visit, the vendor will be given a specified period to cure the problems, and another post-award visit will then be conducted.

Vendors will receive a copy of the post-award monitoring report. A vendor must have at least a satisfactory rating in order to be eligible for a BPA renewal.

G. Questions and Answers

Q1. Are the detoxification and short-term residential programs separate RFP's.

A1. Yes. As detailed in their respective RFP's, detoxification and short-term residential treatment are separate and distinct services for which we are seeking separate blanket purchase agreements (BPA's).

Q2. Zip Code 11206 is not contained in the catchment area for Kings West, is that an oversight or was it purposely excluded?

A2. It was purposely excluded. 11206 was one of a small number of zip codes excluded from the Brooklyn catchment areas (for Outpatient Substance Abuse RFP's only) due to a number of demographic factors which we considered in formulating our catchment areas. 11206 is included in the confines of other RFP's however (Mental Health and MICA, for instance). Each RFP catchment area must be considered independently by potential vendors.

Q3. One of our program's treatment facilities falls outside of a particular catchment area identified in the RFP, but can service clients from



within the identified catchment area. May we submit a proposal to provide the requested services?

- A3. The facility where your agency will administer the services must be within the confines of the identified catchment area, irrespective of where the potential clients may reside.

Q4. Can you explain the concept of “Units”?

- A4. Units are the basic measure of the services being authorized and/or paid for by our agency. If one were to consider “Units” in terms of “products” and “services” rendered it may be clearer. For instance, as detailed in the Statement of Work, a “Substance Abuse Intake Assessment and Report” (Project Code 2011) can be considered a “product”, and as such, one (1) report would equal one (1) Unit for which you may bill our office. If that one report takes your agency one hour, or five hours, you may only bill our office for that one (1) report (1 Intake Report = 1 Unit).

“Services” are billed in 30 minute Units. If the client referenced above subsequently commences treatment services and is authorized to attend two (2), one-hour Group sessions (Project Code 2020); and one (1), thirty-minute Individual session (Project Code 2010) per week, then your agency would bill our office four (4) units of 2020, and one (1) unit of 2010, per week.

Q5. Are the estimated monthly quantities (EMQ’s) listed in the RFP’s guaranteed and could the actual referral amounts be significantly higher or lower than stated?

- A5. The EMQ’s are NOT guaranteed amounts. The EMQ’s provided represent our agency’s best estimate of the number of units your agency/program can reasonably expect to be able to bill for in any given month. The EMQ’s were determined based upon an analysis of our agency’s referrals to treatment agencies we are currently working with under the existing BPA’s. The EMQ’s can most definitely be higher or lower than those stated in the RFP, but keep in mind that these represent referrals over a prolonged period of time, and fluctuations do occur.

Q6. What happens if requirements of the BPA’s Statement of Work (SOW)



conflicts with required mandates of state licensing agencies (OASAS, OMH)?

- A6. This situation can and will occur. The requirements of the SOW are what must be met in order to remain in compliance with the BPA. We realize at times that these circumstances can place our treatment vendors in conflict with local and NYS regulations, and we make every effort to work with our vendors to minimize these situations. However, there may be occasions where the vendor is forced to perform a service (per state mandate) that we have not authorized via the Probation Form 45 Program Plan. For instance, we may have a client who has relocated from one area of the district to another, requiring a change in treatment agencies. If the recommendation of the most recent agency is for the client to continue attending Group counseling sessions, our office will likely NOT authorize another "Substance Abuse Intake Assessment and Report" as we have current, reliable information indicating that the client is in need of continued treatment services and we will authorize those services, a la carte. Your agency/program would have to complete the intake report to comply with NYS regulations, but you would not be permitted to bill our office for that report.

It is recommended that any agency submitting a proposal in response to the RFP, consider this issue and contemplate considering this in formulating a price for the services which you will charge our office.

- Q7. Will our agency be expected to collect and test urine specimens; and can we collect more urines than are called for on the Prob 45?**
- A7. The RFP's include Urine Collection (Project Code 1010) as a required service. This means that your agency/program will ONLY be required to collect urine specimens in compliance with the methods outlined in the Statement of Work. Your agency will not be required to test the specimens. The Probation Office will provide your program with all necessary materials (urine bottles, Chain of Custody forms, mailing labels, mailing boxes, etc) so that the urines can be collected and mailed to the national lab. Your agency will receive the results of these collected specimens directly from our national lab.

The Probation Office does also utilize Non-Instrumented Testing Devices



(NIDT's), also known as "testcups" from time to time, and if appropriate, we will provide your agency with these testing devices as well.

Your agency should be guided solely by the authorized services noted on the Probation Form 45. If 4 UA's are authorized per month, do not secure more than authorized, as these additional collections will not be paid for.

Q8. My agency uses electronic records wherein we scan documents to our computer system then shred the originals. Is this practice acceptable?

A8. Your agency must maintain a current and regularly updated physical file for any Federal client referred to your program. While you may upload documents to your internal file system, these records must also be placed into the hard-copy, physical file. These files must be securely stored separately from all other client files, and must be readily accessible for review during routine monitoring visits.

Q9. How long must these physical files be maintained?

A9. All Federal client files must be maintained by your agency for a period of three (3) years after the final Federal client is discharged from your program.

Q10. What if an individual who commences treatment is in need of a higher level of care?

A10. If it is determined that a client is in need of a higher level of care and your agency can provide that care, an Amended Prob 45 would be requested by your agency and then approved by the Probation Office, at which time those additional services may commence. If your agency is not equipped to handle the higher level of care called for, the client would be discharged from your program and referred to an appropriate program equipped to address the client's needs.

Q11. How involved is Probation in the actual treatment process?

A11. Officers are required to be very involved in the development of treatment plans and in monitoring of client compliance with those plans. As a result, officers are expected to maintain regular contact with assigned counselors and have a role in determining an appropriate treatment plan, considering



the professional recommendations of the counselors we are working with. The BPA's require vendors to have at least monthly contact with the assigned probation officers and requires that the vendor provide notice within 24 hours of missed sessions, positive urines, or of other issues of non-compliance on the part of the client. We view this relationship as a partnership between our agency and the vendor, to complement each other's efforts to bring about a positive change in our client population.

Q12. If a client has Medicaid or private insurance which is covering the cost of treatment, and Probation has authorized X # sessions, but the vendor feels more sessions than approved are required, is that possible.

A12. The vendor should provide only those services as authorized on the Probation Form 45. If a greater number of sessions are clinically needed, an Amended Prob 45 can be created to approve the additional sessions.

In the event that Probation terminates services (due to identified treatment goals having been met), and the client desires to continue attending treatment under their own insurance or medicaid, they may do so. However, they would be financially responsible since Probation had previously terminated services.

Q13. Since Pretrial Services will be "piggybacking" on the Probation Office's BPA's will vendors be required to bill separate agencies?

A13. Yes. In the Eastern District of New York, U.S. Probation and U.S. Pretrial Services are separate agencies and vendors will be required to submit invoices to each agency separately each month. If awarded a BPA your agency will be provided with pertinent billing instructions/information for each agency.

Q14. Are we required to have clients sign authorization forms separate from what is required by NYS?

A14. Yes. For Substance Abuse Treatment - vendors are required to have a properly executed Probation Form 11B or Pretrial Form 6B, in the treatment file. For Mental Health Treatment - vendors are required to have a properly executed Probation Form 11I or Pretrial Form 6D, in the treatment file. These are the only forms required by the BPA in order to



authorize communication between our agency and the vendor.

Your agency/program may have the client complete any additional forms/authorizations you deem necessary to remain in compliance with local/state requirements.

Q15. Is there any issue with NYS regulatory agencies reviewing vendor files for Federal clients?

A15. No. As long as the agency reviewing the files is conducting general regulatory oversight to ensure compliance with established treatment protocols, vendors may permit those agencies (e.g. OASAS, OMH) access to client files.

Q16. If our program has a new location within the catchment area, and has serviced Federal clients in the past in another catchment area, can we submit copies of monitoring reports from the other location as evidence of past performance?

A16. Yes.

Q17. If our program has never serviced Federal clients in the past and therefore, do not have Federal monitoring reports to submit with our proposal; may we submit monitoring reports from other state and local agencies as evidence of past performance?

A17. Yes

Q18. Does Probation provide authorization to release confidential information forms in other languages?

A18. Yes.

Q19. If an agency is able to provide services in multiple catchment areas, are we required to submit proposals for each catchment area?

A19. Yes. A separate proposal must be submitted for each RFP.

Q20. What solicitation sections are vendors NOT required to submit with



proposals?

A20. Solicitation sections C, D, E, F, G, H, and I - do not need to be resubmitted as part of the proposal.

Q21. If a client commences treatment and the vendor is initially billing medicaid or private insurance, and either of those sources cease paying for services, will Probation pay for the services rendered?

A21. Yes.

Q22. If a vendor has two locations within a defined catchment area that can provide the required services, are vendors required to submit separate proposals for each location within that catchment area?

A22. No. The vendor will simply provide one (1) proposal containing the address information for each location within the catchment area and explain that each of the locations is equipped to provide the required services.

Q23. Aside from the Administrative Fees outlined in the RFP that we are permitted to charge for, is there any mechanism by which a vendor can add additional fees for processing paperwork/forms etc.?

A23. No additional fees may be charged outside of the authorized services/fees as detailed in the RFP. However, vendors should contemplate all costs involved in administering the services outlined in the RFP, and consider those costs when determining prices you will charge our office for the required services.

Adjournment

Conference was adjourned at 1:30 p.m. by Edward J. Kanaley.

Minutes submitted by: Edward J. Kanaley
Senior U.S. Probation Officer